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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Special meeting to mark forty years of occupation by Israel of the Palestinian Territory, including East Jerusalem

Summary record of the first part* of the 301st meeting
Held at Headquarters, New York, on Thursday, 7 June 2007, at 10.30 a.m.

Chairman: Mr. Badji ..... (Senegal)

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* The summary record of the second part of the meeting, to be reconvened in the afternoon, appears as document A/AC.183/SR.301/Add.1.

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The meeting was called to order at 10.40 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Statement by the Chairman

2. **The Chairman** announced that the meeting was open to the entire United Nations membership.

3. Forty years of Israeli occupation had dramatically changed the Palestinian landscape. The confiscation of Palestinian land, the establishment of an intricate network of Israeli settlements and the construction of the separation wall had made the achievement of a contiguous Palestinian State virtually impossible.

4. The separation wall, which had been declared illegal in an advisory opinion of the International Court of Justice, departed from the Armistice Line of 1949 (Green Line) and cut deep into Palestinian land. It also isolated over 230,000 Palestinian Jerusalemites from the rest of the West Bank. The wall and the planned settlement expansion would place some 45.5 per cent of the Occupied Palestinian Territory, including East Jerusalem, under Israeli control.

5. The Palestinian economy was in a downward spiral and 34 per cent of the population was unemployed. Israeli military operations had destroyed schools, hospitals and infrastructure and Palestinian institutions, including the nascent Government, were severely weakened. The permit system restricted freedom of movement within the Occupied Territory and people in need of medical treatment or women in labour were sometimes forced to wait for hours before being allowed to pass through checkpoints. The checkpoints also prevented farmers from transporting their produce to markets.

6. The poverty rate in the Gaza Strip stood at 70 per cent and over 2 million Palestinians were unable to meet their daily foods without assistance. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the World Food Programme, the United Nations Development Programme, the United Nations Office for the Coordination of Humanitarian Affairs, the World Bank and others were trying to reverse the rapid deterioration of the humanitarian situation, particularly in the Gaza Strip. Some 4.4 million refugees were currently registered with UNRWA and one third of those remained in refugee camps, in deplorable and dangerous conditions.

7. The Committee had reminded Israel that its settlement activities, the annexation of East Jerusalem, any actions to strengthen its hold on the city and the construction of the wall on occupied land were contrary to international law. The Committee called on all Governments to fulfil their obligations under international law, in particular the Fourth Geneva Convention, and to take the necessary steps to ensure that Israel complied with its international obligations. It also called on the Israeli Government to release, immediately and unconditionally, all imprisoned cabinet members and parliamentarians, as well as other Palestinian prisoners.

8. The Committee had consistently stressed that the occupation was the root cause of the Israeli-Palestinian conflict and contributed to instability in the wider region. It reiterated its call for meaningful negotiations to achieve the two-State solution envisioned under the Quartet's Road Map and stressed that the settlement must meet the requirements of international law, the relevant Security Council resolutions and the principle of land for peace. The Committee would continue to pursue its mandate until the question of Palestine was resolved in a satisfactory manner and the Palestinian people were able to exercise their inalienable rights.

Statement by the Rapporteur

9. **Mr. Camilleri** (Malta), Rapporteur, read out a statement on behalf of the Bureau of the Committee. It noted that Security Council resolution 242 (1967) had emphasized the inadmissibility of the acquisition of territory by war and had affirmed the necessity of the withdrawal of Israeli armed forces from territories occupied in the conflict. That resolution, as well as many others adopted since June 1967, had not been implemented. The Bureau reiterated that the occupation of the Palestinian Territory, including East Jerusalem, was the root cause of the Israeli-Palestinian conflict and that a comprehensive, just and lasting peace in the region could not be achieved unless the national rights of the Palestinian people had been realized.

10. For 40 years, the Palestinians had been subjected to daily abuse, collective punishment, excessive force, extrajudicial killings and the destruction of property. Israel continued to alter the Palestinian land by establishing and expanding settlements and by

constructing a separation wall in the West Bank, including around East Jerusalem. The situation had led to an escalating spiral of violence.

11. The Bureau reminded Israel of the need to fulfil its obligations under international law and to adhere to the Geneva Conventions and the advisory opinion of the International Court of Justice regarding the construction of the separation wall. Israel must cease and reverse all illegal actions in the Palestinian Territory occupied since 1967.

12. It was incumbent on the Security Council to ensure speedy and full implementation of its resolutions. The Council should decide on effective steps to protect the civilian population, end hostilities and guide the parties, with the active involvement of the Quartet and regional actors, to a negotiated settlement that would end the occupation and result in an independent, democratic and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. Meanwhile, the Committee would continue to pursue the important mandate entrusted to it by the General Assembly.

Statement by Palestine

13. **Mr. Mansour** (Observer for Palestine), delivering the statement by the President of the Palestinian National Authority, said that 40 years after the occupation by Israel of the Palestinian Territory and other Arab territories, the Palestinian people continued to struggle for their inalienable right to self-determination. They remained a stateless, dispossessed and oppressed people. Denied their inalienable right to return to their homes, they continued to live in refugee camps or under brutal Israeli occupation. The extent of the injustices imposed on the Palestinians had increased in recent years and had trampled further their human dignity and shredded the fabric of their society.

14. Over the years, numerous efforts and countless United Nations resolutions had not brought an end to the suffering of the Palestinian people because of the intransigence of Israel, the occupying Power, and its total disrespect and contempt for international law. Spurred by its insatiable desire for expansion, Israel, from the beginning and with impunity, had committed systematic violations of human rights, war crimes and acts of State terrorism against the Palestinians with the deliberate intent of perpetuating its unlawful occupation of their land. It had relentlessly pursued illegal policies to consolidate its control over the territory it had occupied in 1967 so as to acquire even more land. The inability of the international community to stop the flagrant violation by Israel of international law had, regrettably, only encouraged it to continue to act with impunity in pursuit of its illegitimate goals.

15. Israel, before the eyes of the international community, had carried out a colonization campaign throughout the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan that had been aimed at the de facto annexation of those lands. That unlawful land grab continued today under many guises and pretexts, including the oft-repeated and unsubstantiated pretext of security. Hundreds of thousands of Israeli settlers, many of them armed and fanatical, had been illegally transferred to confiscated Palestinian property, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the first Protocol Additional to the Geneva Conventions of 12 August 1949.

16. Settlement activity in and around Occupied East Jerusalem had been particularly intense. Having physically isolated it from the rest of the Occupied Palestinian Territory through various unlawful measures and schemes, Israel had implemented an ethnic cleansing policy aimed at the Judaization of the city. The International Court of Justice had deemed the construction of an enormous apartheid wall in the Occupied Palestinian Territory, including East Jerusalem, unlawful and demanded that it be dismantled. The wall had separated Palestinian cities, towns and refugee camps and had caused extensive socio-economic and humanitarian devastation.

17. Those illegal practices and measures, which had dramatically altered the demographic composition and character of the Occupied Palestinian Territory, including East Jerusalem, and had destroyed its territorial integrity, gravely undermined the prospects for achieving a two-State solution.

18. Throughout its 40-year occupation, Israel had waged a brutal military campaign against a defenceless civilian population and had killed thousands of men, women and children and injured or disabled hundreds of thousand of others. The occupying Power had engaged in the wanton destruction of Palestinian property, including homes, agricultural land and vital

infrastructure, as well as religious and historical sites. It had not ceased to imprison and torture Palestinian civilians, nor ended its practice of collective punishment against the Palestinian people.

19. Israel had violated all the United Nations resolutions and had undermined through various means or rejected all initiatives aimed at achieving a just and peaceful solution to the conflict. On the other hand, the Palestinian side had repeatedly and clearly affirmed its commitment to the peace process and to the agreements it had signed.

20. There would never be peace, security or prosperity in the Middle East so long as the question of Palestine, which was at the heart of the Arab-Israeli conflict, remained unsolved. The fact that there was no military solution to the problem had been starkly proven by Israel's 40-year occupation. Only a just and peaceful settlement following on the principle of land for peace could end the conflict and bring about a comprehensive two-State solution based on the 1967 borders. Yet such a solution remained impossible so long as the occupation and colonization continued. Thus, it was imperative that Israel completely cease its illegal colonization campaign as well as all its violations of international law. Forty years on, Security Council resolution 242 (1967) remained the basis for peace, but the international community had failed to compel Israel to comply. Appeasement had not worked, nor had demands made without follow-up action.

21. Israel must be held accountable for its actions and assume its responsibilities under international law and United Nations resolutions. The Organization had a permanent responsibility towards Palestine; Member States must continue to exert all efforts to resolve that question through the various United Nations bodies as well as through international law. The Security Council in particular had an important role to play in that regard.

22. Practical measures, including sanctions, must be seriously considered so as to compel Israel to comply with Security Council resolutions 242 (1967) and 338 (1973) as well as other relevant resolutions, abide by its legal obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the human rights covenants and respect fully the advisory opinion of the International Court of Justice. It was ironic that financial and political sanctions had been imposed on the Palestinian people following their exercise of democracy while Israel, despite years of systematic violation of international law, had never been subject to sanctions.

23. Israel must also acknowledge the plight of the Palestinian refugees, who now numbered more than 4.5 million, and their right to return to their homes as called for in General Assembly resolution 194 (III) of 1948, which was the basis for a just and agreed solution.

24. The Palestinians, for their part, had undertaken to enforce the ceasefire in the Gaza Strip. Israel must be urged to respect fully that ceasefire as well as to extend it immediately to the West Bank. In addition, the release of prisoners and the lifting of restrictions on movement would promote genuine dialogue and peace negotiations. In that regard, the Palestinian side stood ready to enter into final status negotiations immediately and without conditions. All parties concerned, including the Quartet, should encourage the parties, including the Syrian Arab Republic and Lebanon, to resume the peace process and reach a just, lasting and comprehensive peace.

25. In conclusion, he said the Palestinian people were grateful for the political, moral, financial and humanitarian support received from the international community and the United Nations. That solidarity had been vital to the Palestinian people throughout their decades-long struggle to end Israeli occupation and realize their inalienable human rights. The United Nations was to be particularly commended for the assistance it had extended through UNRWA. He also expressed his people's appreciation for the work that the Committee and other United Nations programmes had done to draw attention to their plight.

26. **The Chairman** said that the Committee extended its respect and solidarity to Mr. Mahmoud Abbas, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority, and to the Palestinian National Unity Government. The Committee attached great importance to their efforts to end the occupation and achieve an independent State of Palestine as a prerequisite for peace and stability in the Middle East.

Statements by United Nations Members and Observers

27. **Mr. Malmierca Díaz** (Cuba), speaking on behalf of the Non-Aligned Movement, said that the illegal war of aggression that Israel had unleashed against the Palestinian and neighbouring Arab peoples in 1967, in open violation of international law and of the Charter, and the Israeli occupation had prevented the Palestinians from fully exercising their right to establish an independent State with East Jerusalem as its capital.

28. Throughout its 46 years, the Non-Aligned Movement had maintained its solidarity with the Palestinian people and their just cause, based on recognition of their inalienable rights, rejection of the illegal occupation and condemnation of the massive, flagrant and systematic violations of human rights and international humanitarian law by the occupying Power.

29. At the Movement's 2006 Summit in Havana, the Heads of State and Government had adopted a Declaration on Palestine, including East Jerusalem. The Summit had condemned the Israeli practices in the occupied territories and echoed the demand that the Palestinian people should be allowed to exercise their inalienable right to self-determination, the return of refugees and the establishment of a sovereign and independent State. The Declaration expressed the Movement's profound concern at the deterioration of the political, economic, social and humanitarian situation in the occupied Palestinian territory, including East Jerusalem, and condemned the slaughter of Palestinian civilians through the excessive use of force; selective attacks and extrajudicial executions; destruction of property, infrastructure and farmland; and detention and imprisonment of thousands of Palestinians. It also reiterated the Movement's condemnation of Israel's isolation of the Gaza Strip through its unilateral separation plan and construction of the wall, disregarding the 2004 advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15 of 20 July 2004. The Declaration's validity had been confirmed by the occupying Power's recent threat to assassinate the Prime Minister of Palestine. On 20 March 2007, the Coordinating Bureau of the Non-Aligned Movement had issued a statement (A/61/818-S/2007/161) in which it welcomed the creation of the Palestinian National Unity Government as a welcome sign of unity of the Palestinian people.

30. Despite the establishment of the new Government, however, international assistance to the Palestinian people had been blocked for over a year. That blockage was hindering progress towards a solution to the conflict through dialogue and negotiation, which the Israeli Government had rejected. He urged that Government to accept the Arab Peace Initiative and called for the resumption of serious, direct negotiations with a view to a peaceful settlement that would fully serve the legitimate interests and aspirations of the Palestinian people.

31. The Movement would continue to contribute to the attainment of a just, lasting peace in the Middle East based on the relevant United Nations resolutions, the terms of reference of the Madrid Conference, the principle of land for peace, the Arab Peace Initiative and the Quartet's Road Map. It called on the Security Council to enforce its own resolutions and to take the necessary measures to ensure that Israel respected international law by putting an end to the occupation and to its illegal practices in the occupied Territory.

32. Lastly, he reaffirmed Cuba's wish to contribute to the attainment of a just and lasting peace for all nations in the Middle East so that the Palestinian people could exercise their right to self-determination and sovereignty as an independent State with East Jerusalem as its capital, based on the borders prior to 4 June 1967, and on the right of the Palestinian refugees to return home.

33. **Mr. Akram** (Pakistan), speaking on behalf of the Organization of the Islamic Conference Group in New York, said that the Committee was marking an unfortunate occasion; 40 years after the Israeli occupation of the Palestinian territories, including East Jerusalem, peace remained elusive. That signalled a gross failure of the Security Council to fulfil its primary responsibility, under the Charter of the United Nations, to maintain peace and security and the collective failure of Member States to bring a just conclusion to the most serious political dispute of modern times.

34. The fate of Jerusalem was a powerful political issue for millions of people across the world, and particularly the Islamic world. Jerusalem was a holy place and a precious treasure for Islam, Christianity and Judaism, designated by the United Nations as a

corpus separatum. Since the 1967 occupation, the Security Council had adopted 16 resolutions that categorically declared that measures and arrangements aimed at changing the physical character, demographic composition and legal status of the Holy City of Jerusalem were null and void. Those resolutions continued to be flouted, as was evident from the illegal excavation adjacent to the Al-Aqsa Mosque that undermined its foundations and could threaten it with collapse. He urged the Israeli Government to halt all work near the Mosque.

35. Peace in the Middle East could be attained only through Israel's withdrawal from all Arab lands, including the Palestinian territories, East Jerusalem and the Syrian Golan, and only when Israel and Palestine were two States living side by side in peace within secure and recognized borders. Revived tensions in the region had made it more difficult to achieve that solution; thus, the most urgent task was to halt the repression and violence against Palestinians in Gaza and the West Bank. Efforts to secure the release of the captured Israeli soldier were under way, but Israel also had an obligation to release the hundreds of Palestinians, including ministers and parliamentarians, that it held. He called on Israel to halt and reverse its settlements in the West Bank, stop work on the separation wall, release the customs duties and taxes due to the Palestinians and end the economic and humanitarian blockade against them.

36. He also urged the early resumption of the peace talks on the basis of the revived Arab Peace Initiative and the Road Map set out by the Quartet and called on the international community to ensure full implementation of the relevant General Assembly and Security Council resolutions. The Declaration adopted at the thirty-fourth session of the Islamic Conference of Foreign Ministers, held in Islamabad from 15 to 17 May 2007, welcomed the renewal of that Initiative and the efforts of the President of Pakistan and reiterated the participants' firm resolve to continue relentless efforts for a just and peaceful settlement of the Arab-Israeli conflict. An Organization of the Islamic Conference Communiqué issued on the occasion of the fortieth anniversary of the Israeli occupation called for the declaration of the coming 12 months as the year of Al-Quds and Palestine.

37. The members of the Organization of the Islamic Conference wished to express their solidarity with their Palestinian brothers and their strong support for the Palestinians' efforts to exercise their inalienable rights, including the right to self-determination, and to reach a comprehensive, just and lasting solution that would achieve their legitimate aspiration for peace and for a sovereign State of Palestine with Al-Quds Al-Sharif as its capital.

38. **Mr. Sahel** (Observer for Morocco), speaking on behalf of the Arab Group, said that the occupation by Israel of the Palestinian Territory, including East Jerusalem, was particularly painful for Morocco inasmuch as his country, in the person of His Majesty King Mohammed VI, was the Chairman of the Al-Quds Committee of the Organization of the Islamic Conference. The current meeting presented an opportunity for Member States to heighten their awareness of the need to achieve a comprehensive, just and permanent solution to the conflict in the Middle East.

39. Despite countless efforts, no solution had been found to the question of Palestine and the situation in the Occupied Palestinian Territory remained a cause of grave concern. The United Nations and the international community as a whole had rejected, from the beginning, Israel's occupation of the Palestinian Territory and other Arab lands. Yet a great portion of those lands remained occupied today and the Palestinian refugees were still being denied their inalienable right to return to their homes. The Palestinian economy had nearly collapsed owing to the policy of economic strangulation pursued by the occupying Power, a policy that had left many Palestinians living below the poverty level. The economic and social suffering of the Palestinian people was exacerbated by the actions of the Israeli military inside the Occupied Palestinian Territory, including, arbitrary detention, forced dispossession, house demolitions, movement restrictions and closures.

40. Israel had also sought to change the demographic nature and legal status of East Jerusalem through its construction of the separation wall. The Arab Group condemned the dangerous consequences attendant on the construction of that wall and called on Israel to comply fully with its legal obligations pursuant to the advisory opinion issued by the International Court of Justice on 9 July 2004 and to General Assembly resolution ES-10/15 of 2 August 2004. The Group also demanded that Israel immediately end all restrictions on the movement or entry of person and goods into or out of East Jerusalem.

41. Israel, throughout its forty-year occupation, had persisted in confiscating Palestinian land in order to build or expand illegal settlements around East Jerusalem. Moreover, Israeli efforts aimed at expelling the Arab population of East Jerusalem as well as incorporating the city politically and administratively into Israel were a violation of numerous United Nations resolutions, including, General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967 and Security Council resolutions 252 (1968), 267 (1969), 271 (1969) and 298 (1971). Only negotiations based on mutual respect and understanding could achieve an agreed solution. The various efforts made in recent years to reach such a solution had failed because of the intransigence of the Israeli occupation forces and their utter contempt for international law. Thus, there was an urgent need to reach a negotiated solution that would end the occupation, allow the Palestinian people to exercise their inalienable rights and permit the establishment of an independent Palestinian State based on the 1967 borders with East Jerusalem as its capital.

42. Israel's continued occupation since 1967 of the Syrian Golan posed a continuing threat to peace and security in the region. Israeli practices in the Occupied Syrian Golan, including the confiscation of land and water sources and the building of settlements, were aimed at changing the legal status of the Occupied Syrian Golan and were a blatant violation of numerous Security Council resolutions. The Group reiterated its support for the right of the Syrian Arab Republic to reclaim all of the Occupied Syrian Golan to the line of 4 June 1967. The Group also expressed its solidarity with the efforts of the people and Government of Lebanon to free Lebanese territory that remained under Israeli occupation.

43. The international community must develop a coordinated and integrated approach that would lead to enduring peace and stability. In that regard, the Arab Peace Initiative that had been re-launched in 2007 represented an historic opportunity to end the Arab-Israeli conflict. The best way to keep the peace process on track was for Israel to honour the commitments it had previously made and to resume immediately negotiations with the Syrian Arab Republic and Lebanon, leading to its withdrawal from all occupied Syrian and Lebanese territory, as well as to reach a just and agreed solution with regard to the Palestinian refugees in accordance with Security Council resolution 194 (III) of 1948.

44. The Arab side, for its part, had shown by its positions and actions that it wanted a peaceful and just solution and called upon the international community and the United Nations in particular to assume its responsibilities and end the protracted tragedy in the Middle East.

45. **Mr. Abdelaziz** (Observer for Egypt) associated himself with the statements made by the previous speakers and with President Mahmoud Abbas's evaluation of the worsening situation in the occupied Palestinian territories as a result of the continued occupation and illegal Israeli practices conducted with impunity.

46. He then read out the text of a message from President Hosni Mubarak, who confirmed Egypt's strong support for the Committee's work. At a time of turmoil in the Middle East, the Committee represented the international community's will to achieve a comprehensive, just solution to the Palestinian question as part of a comprehensive solution to the Arab-Israeli conflict.

47. The final status negotiations must begin as soon as possible, within the framework of the comprehensive peace initiative reaffirmed at the 2007 Summit of the Heads of State and Government of the League of Arab States, with a view to achieving Israel's full withdrawal from the occupied Arab territories in Palestine, the Syrian Arab Republic and Lebanon to the borders of 4 June 1967 and an acceptable solution to the Palestinian refugee problem through the establishment of an independent, viable Palestinian State with East Jerusalem as its capital, living side by side with the State of Israel in peace and tranquillity.

48. Until that objective was achieved, the Committee and the international community should work together to make Israel cease its unlawful acts, particularly its attacks on civilians and its systematic violations of human rights and international humanitarian law and of the other inalienable rights of the Palestinian people. He reiterated Egypt's commitment to a lasting, comprehensive peace in the Middle East based on international legitimacy, and especially on the relevant United Nations resolutions and the principle of land for peace, and its pledge to support the efforts of the United Nations and the Quartet.

49. **Ms. Ratsifandrihamanana** (Observer for the African Union) said that the members of the African Union reiterated their solidarity with their oppressed Palestinian brothers and paid a tribute to all those who had lost their lives in the quest for liberty and equity. Having experienced the horrors of colonization, Africans understood the daily frustration and suffering of those who lived in a land that was blessed by the gods but coveted by men. The 40 years of occupation had been 14,600 days and nights of agony, torture and killings, despite the June 1967 ceasefire that had been the source of such hope and such disappointment.

50. The African Union remained firmly committed to the relevant Security Council resolutions, the Arab Peace Initiative and the Quartet's Road Map and called for their effective implementation. For 40 years, the international community had been powerless to enforce justice and world order while international law and human rights were continually violated in the endless expansion of the Israeli-Palestinian conflict. During that period, the Israeli colonizers had confiscated thousands of Palestinian properties, including East Jerusalem, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. The General Assembly, the Security Council, the International Court of Justice and other United Nations bodies had affirmed the illegitimacy of those colonies and called for them to be dismantled.

51. In 2003, at a time when dialogue among civilizations was being discussed and humanity was being threatened by climate change and the HIV/AIDS pandemic, a wall had been built to separate the Israeli and Palestinian peoples. Despite the 9 July 2004 advisory opinion of the International Court of Justice, the wall continued to exist and, with its 500 checkpoints and dense network of barricades, had transformed the Palestinian territory into a virtual open-air prison, leaving its people in desperate social and economic straits and restricting their movement unacceptably.

52. The African Union reiterated its commitment to combating outdated colonial practices and, like its predecessor, the Organization of African Unity, had consistently condemned all forms of repression, aggression and injustice through its resolutions and decisions. Only a comprehensive, peaceful settlement, based on respect for international law and the principle of land for peace, could lead to a sustainable solution.

53. She appealed to the Government of Israel to lift the financial blockade and agree to the legitimate transfer of funds to the Palestinian people; to the Security Council to find practical measures that would make the Government implement the relevant resolutions as soon as possible; and to the international community to work towards the day when two States, Israel and Palestine, would live side by side in harmony. She hoped that the next anniversary of the occupation would usher in the liberation so long awaited by the Palestinian people.

54. **Mr. Uras** (Turkey) said that the grim realities of the Middle East were a stark reminder that the question of Palestine was central to regional and global peace and security. The legitimate aspirations of the Palestinian people must be addressed fully and promptly in order to pave the way for sustainable peace, security, stability and development in the region. Regrettably, the Palestinians' hopes had faded and events on the ground had dimmed the prospects for peace and security in the near future.

55. The international community was duty-bound to advance a just solution to the conflict. The existence of two States living side by side in peace and cooperation, as envisaged in the Quartet Road Map and in the relevant agreements and resolutions, was the best way out of the present impasse. Through bilateral, regional and international mechanisms, the Palestinians and Israel must be helped to change their thinking about and policies towards each other. The Arab Peace Initiative provided a framework for the revitalization of meaningful final status negotiations and merited the international community's support; every effort should be made to implement confidence-building measures and alleviate tension so that negotiations could commence in earnest.

56. The security situation on the ground and the miserable living conditions in Palestine should be improved. As a first step, restrictions on the movement of Palestinians should be eased, the ceasefire in the Gaza Strip should be renewed and extended into the West Bank, Israel should halt its settlement activities and transfer the taxes and customs revenues that it was withholding, and the human rights of Palestinians and Palestinian prisoners should be fully respected. It was also critical to preserve unity among the Palestinian

factions, as stipulated in the Mecca Agreement. The establishment of the National Unity Government in Palestine must be welcomed and that Government, in return, should try to create the necessary conditions for providing its people with the tangible benefits of political reconciliation and should establish a political platform that embraced the Quartet principles. Efforts to obtain the release of the kidnapped Israeli soldier should be intensified and, at the same time, the international community should reiterate its opposition to violence, targeted killings and acts of terror, whatever the source.

57. His Government remained engaged in the peace process and would continue to assist the Palestinian people. Since Turkey enjoyed the confidence of both Palestinians and Israelis, it was uniquely situated to facilitate efforts to achieve a just, final and comprehensive settlement of the Palestinian question.

58. **Mr. Ali** (Malaysia) said that Israel's occupation of the Palestinian Territory, including East Jerusalem, continued to be the main preoccupation of the international community and affected both the Middle East and the world at large. Until it was resolved, it would continue to shape the minds of future generations.

59. The special meeting marked 40 years of paralysis and failure on the part of the international community, particularly the major Powers, to end Israel's occupation. Forty years earlier, Palestinian towns and villages had been assaulted, resulting in staggering loss of life and condemning survivors to live in squalid conditions under the occupation or as refugees in makeshift camps abroad. Forty years later, nothing had changed. Israel continued to disregard international law and conventions and United Nations resolutions, ignoring international calls for the atrocities to stop, using violence against Palestinian civilians, destroying civilian infrastructure, strangling Palestinians' livelihoods, imprisoning Palestinians, including their elected officials, constructing the illegal separation wall and encouraging illegal settlements.

60. If a just and comprehensive solution had not yet been found it was not for want of initiatives, but because of a lack of political will to push the occupying Power to return to the peace process and abide by United Nations resolutions. The sense that the peace process had not been handled in a balanced way and that Israel had been allowed to ignore United Nations resolutions suggested that the international community was not seriously committed to resolving the conflict.

61. The Quartet process, including the Arab League Initiative, provided a realistic opportunity for a solution. Israel must implement the Quartet Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, as outlined in Security Council resolution 1515 (2003). Israel and its allies must understand that lasting peace would not be achieved unless the Palestinian question was resolved through dialogue. The economic, social and humanitarian conditions affecting Palestinians also needed to be addressed. Israel must release the funds owed to the Palestinian authorities, cease military attacks and other human rights violations, and release all Palestinians who were unlawfully imprisoned or arbitrarily detained. The international community, meanwhile, must ensure that Israel honoured its obligations under international law, in particular the Fourth Geneva Convention. The United Nations, including the Security Council, must compel Israel to end its occupation and illegitimate practices in the Occupied Palestinian Territories. Israel must complete its withdrawal from Gaza and the West Bank to its pre-1967 borders.

62. Until Israel's occupation of the Palestinian Territory, including East Jerusalem, was resolved, it would remain a stumbling block for peace and stability in the Middle East and a catalyst for conflict, strife and terrorism in the region and the world at large. The Palestinian people's inalienable rights must be implemented. Palestinian statehood remained the apex of Palestinian aspirations. The international community had an obligation to ensure that those aspirations were fulfilled.

63. **Mr. Kumalo** (South Africa) said that, for over 60 years, the Palestinian people had led an intolerable life. For the past 40 years, they had endured illegal occupation by Israel and suffered every imaginable violation, including the withholding of tax revenues, the expansion of Israeli settlements, the building of the separation wall and restrictions of movement and access. Despite such challenges, the Palestinian people's inalienable right to self-determination and statehood represented the hopes and dreams of millions of Palestinians living in the West Bank and the Gaza Strip. Over 2.5 million Palestinians were currently confined to enclaves separated by Israeli roads,

settlements, military zones and the separation wall. In other words, the Israeli occupation excluded 40 per cent of Palestinians from their territory. Even Palestinian cities such as Nablus, Jericho and Ramallah had been reduced to isolated spots reachable only via innumerable roadblocks and checkpoints.

64. South Africa had recently hosted the United Nations African Meeting on the Question of Palestine, held under the auspices of the Committee on 9 and 10 May 2007. The final document of that meeting had concluded that the systematic human rights abuses and discriminatory practices committed against the Palestinian people by Israeli occupying forces constituted war crimes in terms of the Fourth Geneva Convention and the Protocol I Additional to the Geneva Conventions. The participants had been highly critical of Israel's routinely disproportionate and indiscriminate military operations in Palestinian population centres and had reminded Israel of its responsibilities and accountability under international law. They had also called on all Governments, intergovernmental organizations and others to meet their legal obligations faced with Israel's non-compliance and take appropriate actions.

65. The United Nations, in particular the Security Council, bore special responsibility for finding a solution to the Israeli-Palestinian issue. The current year also marked 40 years of defiance by Israel of Security Council resolution 242 (1967), which called for the withdrawal of Israeli armed forces from territories occupied in the 1967 conflict. It was time for the United Nations to acknowledge that Israel continued to reject, with impunity, all resolutions passed by both the General Assembly and the Security Council. That situation must not be allowed to continue for another 40 years.

66. Recently, responsibility for resolving the Israeli-Palestinian conflict had shifted to the Quartet. However, the Quartet was not a representative body, despite the participation of the Secretary-General. The fact that it excluded some countries in the region that could contribute effectively to a lasting solution had robbed it of the potential to make significant progress and achieve the goal of a two-State solution and lasting peace.

67. Perhaps it was time for the international community to consider other alternatives. For that reason, he welcomed the decision by the Arab League Summit in Riyadh earlier that year to re-launch the Arab Peace Initiative, which offered Israel full normalization of relations in exchange for, inter alia, full withdrawal from the territories occupied in 1967 and a negotiated solution to the Palestinian refugee problem. The Israeli authorities must be persuaded to respond constructively and creatively to that initiative. An historic moment for peace might be at hand. The Israeli Government might wish to seriously consider it in the interests of all people in the Middle East and regional and international peace and stability.

68. Lastly, his delegation reiterated its unwavering support for the Palestinian people in their struggle for the establishment of an independent State of Palestine, with East Jerusalem as its capital, living side-by-side with Israel with both States enjoying secure and internationally recognized borders. The vision of a two-State solution enshrined in Security Council resolution 1397 (2002) and the principle of land for peace must underpin any permanent settlement of the Middle East conflict.

69. **Mr. Sardenberg** (Brazil) said that his Government followed the Israeli-Palestinian peace process with interest and supported regional and international initiatives aimed at renewing dialogue and negotiations, in accordance with the relevant General Assembly and Security Council resolutions and the principle of land for peace. The establishment of an independent, sovereign, geographically cohesive and economically viable Palestinian State, living in peaceful coexistence with Israel within internationally recognized borders, was a sine qua non for ensuring peace and stability in the region. Brazil condemned unilateral initiatives and acts of disproportionate reprisal and repudiated terrorism, which was unacceptable and unjustifiable in all cases.

70. The dynamics created by the formation of the new Palestinian Government, the re-launching of the Arab Peace Initiative and the revitalization of dialogue — in particular, the recent Quartet meeting and the tripartite talks between Israel, the Palestinian National Authority and the United States — might pave the way for re-igniting the peace process. Expressing concern at the recent conflict among Palestinian groups and the launching of rockets from the Gaza Strip, he called on all parties to avoid disproportionate military responses and build suitable conditions for a cessation of the conflicts. In that respect, the dismantling of the security wall, a freeze in Israeli settlement

construction, a reduction in obstacles to movement in the West Bank and the release of members of the Palestinian Government and legislature who had been detained would reduce tensions. He also appealed for the release of the Israeli soldier and British journalist as additional confidence-building measures.

71. In recent years, Brazil had sought to strengthen its ties with countries in the Middle East and expressed its willingness to contribute actively to finding a solution to the Palestinian question. In terms of specific initiatives, it had established an office of representation to the Palestinian National Authority, appointed an Extraordinary Ambassador to deal with Middle East issues and organized a summit of South American and Arab countries. It had also advanced the idea of creating a group of friends of the Quartet and of convening an international conference on Middle East conflicts.

72. His Government followed with concern the dreadful humanitarian situation in the Occupied Palestinian Territories, particularly Gaza, which had been only partially mitigated by the indirect assistance provided by international donors. The resumption of the transfer of tax revenues withheld by Israel, now amounting to approximately $1 billion, was crucial in order to help the Palestinian National Authority meet the needs of the Palestinian people.

73. Brazil had also renewed relations with the Palestinian National Authority with a view to establishing or improving technical cooperation and bilateral assistance to both Government and society. Initiatives in such areas as education, agriculture, combating hunger and poverty, training of diplomats and college student exchanges were currently under consideration.

74. Lastly, his Government stressed once again the need to put in motion a political process with timetables for developing a strategy that addressed the underlying causes of the conflict and brought to fruition the vision of two democratic States living side-by-side in peace and security. His Government also reiterated its willingness to contribute to any initiatives that might lead to a peaceful and durable solution to the conflict.

75. **Mr. Heller** (Mexico) said that the solution to the conflict in the Middle East was inextricably linked to the solution of the Palestinian question. Forty years earlier, the conflict had acquired new dimensions as a result of armed conflict and the consequences thereof for the Palestinian people. Mexico was convinced that a lasting solution to the question of the Occupied Palestinian Territories, including East Jerusalem, would be achieved only through political dialogue and negotiation and only if it recognized the right to exist of a State of Israel and a politically and economically viable State of Palestine, living side-by-side within secure and internationally recognized borders, in accordance with the relevant Security Council resolutions.

76. According to the fundamental principles of international law, the acquisition of land by force was unacceptable and did not create rights. While the negotiating formula known as "land for peace" was a way of establishing secure and internationally recognized borders, it did not have any legal status and applied exclusively to the conflict in the Middle East. The advisory opinion of 2004 of the International Court of Justice on the construction of a wall in the Occupied Palestinian Territory contained legal opinions that would promote a lasting solution to the Israeli-Palestinian conflict based on international law.

77. Terrorism was, and always would be, politically and morally condemnable; no cause justified such action. For dialogue and negotiation to succeed, such practices must be renounced. Likewise, actions that were contrary to international law, even when efforts were made to justify them on security grounds, only exacerbated tensions, caused more violence and blocked genuine dialogue. Mexico opposed any use of force that went beyond legitimate self-defence and a proportional response. It advocated full respect for international humanitarian law, in particular the Fourth Geneva Convention.

78. His Government strongly supported the work of the Quartet. The Road Map paved the way for the parties to renew diplomatic relations and return to the peace process. His Government also appreciated the efforts of various Arab States to encourage a resumption of dialogue and take the peace process forward. The fortieth anniversary of Israel's occupation of the Palestinian Territory, including East Jerusalem, was an opportunity for the international community to reiterate its support for the Palestinian cause and Palestinian self-determination and its conviction that dialogue and negotiation were the only ways of achieving peace and stability in the region.

Statements by representatives of civil society organizations

79. **Ms. Terlingen** (Amnesty International) said that, to mark the fortieth anniversary of Israel's occupation of the West Bank and Gaza Strip, Amnesty International had published a report calling on Israel to end the unlawful settlements, blockades and other violations of international law. The report detailed how the occupation had resulted in persistent and widespread human rights abuses and failed to bring security to Israelis and Palestinians.

80. Amnesty International acknowledged Israel's legitimate security concerns and the Government's obligation to protect the population within its borders. However, that did not justify blatant violations of international law, including human rights and humanitarian law. Only two days before, the United Nations High Commissioner for Human Rights had said that, in the long-standing search for a solution, human rights had far too long taken a back seat and that the conflict must be addressed within the framework of international human rights and humanitarian law. Achieving respect for human rights in the Occupied Palestinian Territory would build greater confidence among the parties and facilitate the search for a lasting solution. For 40 years, the international community had failed to address the Israeli-Palestinian problem adequately; it must not wait another 40 years to do so.

81. Amnesty International's report entitled "Enduring occupation: Palestinians under siege in the West Bank" described the devastating impact of four decades of Israeli occupation and documented the relentless expansion of unlawful settlements and a wide range of measures that confined Palestinians to enclaves and hindered their access to work, health and education facilities. Those measures included a 700-kilometre wall, which the International Court of Justice had found to violate international law, requiring full reparation to all Palestinians affected. That had not happened. If the intention had simply been to prevent Palestinian suicide bombers from entering Israel, the barrier would have been located on the Green Line. Yet 80 per cent of the wall was being built on Palestinian land, in defiance of the International Court of Justice, cutting off Palestinians from their families and land and making the main Israeli settlements in the West Bank territorially contiguous with Israel. The more than 500 checkpoints and blockades and complicated permit system were not simply an inconvenience, but a matter of life or death. It was unacceptable that women in labour, sick children and accident victims en route to hospital were forced to take long detours and face delays which could, and had, cost them their lives.

82. Israeli settlements in the Occupied Palestinian Territory were illegal under international law, in particular article 49 of the Fourth Geneva Convention, which stated that the Occupying Power should not deport or transfer parts of its own civilian population into the territory it occupied. The Security Council was obligated to ensure implementation of its resolutions, including resolution 465 (1980), which called on Israel to dismantle existing settlements and cease the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.

83. International action was urgently needed to address the widespread human rights abuses that were being committed and which were fuelling resentment and despair among a predominantly young and increasingly radicalized Palestinian population. Israeli restrictions had caused the virtual collapse of the Palestinian economy and levels of despair, poverty and food insecurity never before seen in the Occupied Palestinian Territories. In the Gaza Strip, in late May, some 50 Palestinians had been killed by Israeli air strikes, while on the other side two Israeli civilians had been killed by indiscriminate rocket attacks by Palestinian armed groups. Such actions violated international law. Amnesty International had called on both sides to end the attacks immediately and on the Palestinian Authority to prevent further rocket attacks.

84. Amnesty International's report on the West Bank contained detailed recommendations for the attention of the Israeli Government — in particular, to stop construction and expansion of Israeli settlements and to stop construction of the wall — as well as of Palestinian armed groups, the Palestinian Authority and the international community. For the latter, a key recommendation was the urgent deployment, particularly in the West Bank, of an effective international human rights monitoring mechanism to monitor both parties' compliance with their obligations under international law. Such a mechanism must be accompanied by a commitment to investigate and prosecute, through the exercise of universal jurisdiction, those who committed war crimes or other crimes under international law.

85. Amnesty International did not underestimate the difficulties of establishing such a system, whether by the United Nations or another appropriate body. However, it was vital for the international community, including all States Members of the United Nations and the Security Council, to become more engaged in finding a solution and holding the parties to their obligations under international law. Amnesty International had therefore written to all Security Council members just that week, in order to urge the Council to use the monthly discussion on the Middle East to take concrete steps to implement its resolutions, including resolution 465 (1980); to ensure that an effective international human rights monitoring mechanism was established; and, lastly, to ensure that any peace process included concrete provisions to address fundamental human rights at the heart of the conflict, including the removal of Israeli settlements from the Occupied Palestinian Territory, the dismantling of the wall inside the West Bank, an end to closures, an end to impunity for serious violations of international law and a fair solution to the refugee question.

The meeting was suspended at 1.10 p.m.

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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the second part* of the 301st meeting
Held at Headquarters, New York, on Thursday, 7 June 2007, at 3 p.m.

Chairman: Mr. Badji ..... (Senegal)

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07-38774 (E)

The meeting was reconvened at 3.15 p.m.

Special meeting to mark 40 years of occupation by Israel of the Palestinian Territory, including East Jerusalem

Statements by United Nations Members and Observers (continued)

1. **Ms. Asmady** (Indonesia) said that the situation in the Middle East was an issue of paramount importance to the international community. The circumstances of the Palestinians in the occupied territories had worsened owing to the intensification of Israeli aggression. The withholding of revenues, regular incursions into the Palestinian Territory, wanton assassinations and the detention of elected members of the Palestinian Government and legislature caused untold misery. The restrictions on Palestinians' movements and the construction of the wall in the Occupied Palestinian Territory paralysed the Palestinians' economic and social activities and effectively confined them to an open-air prison. Her delegation condemned Israel's policies, which contravened international law and hampered international efforts to promote a comprehensive and just solution pursuant to numerous United Nations resolutions.

2. Her delegation welcomed the commitment of the United Nations, in particular the Security Council, to addressing new and emerging threats to peace and security. However, such commitment was lacking in the search for a solution to the Palestinian issue. The Council had shown little interest in compelling Israel to implement the relevant resolutions, an attitude which could be said to have emboldened Israel in the pursuit of its policies.

3. Her delegation welcomed the establishment by the Palestinians of a national unity Government and the determination of the Palestinian people to strive for peace through political negotiation. It was to be hoped that that positive development at the leadership level would encourage the reconciliation process at the grass-roots level. Ultimately, peace could not be achieved through diplomacy alone. The parties to the conflict must exercise restraint and avoid any action that complicated matters further. In that regard, her delegation welcomed the institution of regular meetings between Palestinian and Israeli leaders.

4. However, experience had shown that tangible results would not be achieved without the active engagement of the international community, particularly of those countries that had a direct influence on the parties concerned. The Quartet had a vital role to play in reviving the peace process and implementing the road map. It should be determined in its efforts to establish an independent State of Palestine, with East Jerusalem as its capital and coexisting in peace and security with Israel and its other neighbours, on the basis of the relevant United Nations resolutions, in particular Security Council resolution 242 (1967).

5. The efforts of the Quartet must be complemented by efforts on the part of the regional stakeholders. The Arab peace initiative of 2002, reaffirmed at the recent summit of the League of Arab States in Riyadh, could bring normality to the Middle East on the basis of a formula that allowed the countries of the region to play their part in the process. At the same time, the international community must address the dire humanitarian situation of the Palestinian people by providing financial and material assistance to the Palestinian Government.

6. Indonesia reiterated its call for the early establishment of an independent and viable Palestinian State with the right for all Palestinian refugees to return to their homeland, living side by side in peace with Israel, as outlined in the road map of the Quartet and the relevant United Nations resolutions. In the interests of peace and justice, Israel should be made to honour its obligations in that regard.

7. **Mr. Sorcar** (Observer for Bangladesh) said that the commemoration of 40 years of Israeli occupation of East Jerusalem was a painful reminder of the failure of the international community to resolve the situation in the Middle East. The occupation was the root cause of the spiralling violence and hostilities in the region, whose effects were being felt around the world.

8. Jerusalem — or Al-Quds Al-Sharif — was a holy site for all three monotheistic faiths — Islam, Christianity and Judaism. The city, in particular the Al-Aqsa Mosque, held special religious significance for Muslims. It was regrettable that Israel was carrying out its illegal activities in brazen violation of United Nations resolutions and in utter disrespect for the religious sensibilities of Muslims all over the world. The recent demolition by Israeli occupation forces of the historic road connecting Bab Al-Magharibah with the Al-Aqsa Mosque compound and the excavation being carried out underneath the compound were

undermining its foundations and threatening it with collapse. His delegation condemned those activities, which cast doubt on the sincerity of Israel's desire to resume the peace process, and called for determined action by the United Nations in that regard.

9. His delegation was dismayed at the worsening humanitarian situation in the occupied Palestinian territories and at the recent breakdown of the ceasefire and the renewed escalation of violence. It called on Israel to exercise maximum restraint and to withdraw the economic blockade imposed on the Palestinians. It also called for an immediate halt to the construction of the wall in the Occupied Territory and the dismantling of those parts already built, the discontinuation and reversal of the expansion of Israeli settlements in the West Bank, the release of Palestinian prisoners, and resumption of the transfer of tax revenues.

10. His delegation reiterated its full support for the legitimate and inalienable right of the Palestinian people to a sovereign and independent State, with East Jerusalem as its capital, existing alongside Israel in peace and security. For a just and sustainable peace to take root, Israel must withdraw its forces from all the occupied territories, including East Jerusalem, and meet its obligations under the Geneva Conventions, relevant United Nations resolutions and other peace initiatives, including the road map. His delegation urged the warring parties to resume negotiations in order to overcome the current impasse in the peace process. It was also high time for the States Members of the United Nations to fulfil their collective obligation by re-engaging in the peace process with a view to achieving a just and sustainable solution to the conflict.

11. **Mr. Hachani** (Tunisia) said that the fortieth anniversary of the Israeli occupation of Palestinian and Arab territories was of particular importance as the Palestinian people continued to suffer under the occupation and yearned to obtain its legitimate rights, recover its occupied lands and establish an independent State. Since the Israeli occupation, the Palestinian issue had been at the core of the Arab-Israeli conflict and had caused extremism and terrorism, as well as deepening regional and international tension and instability.

12. His country had supported the Palestinian cause as a matter of principle. It had hosted the Palestinian leadership for twelve years and stood by the Palestinian people in the struggle for the restoration of its legitimate rights. Moreover, it had contributed to international efforts to find a peaceful settlement that could lead to a just and comprehensive peace.

13. From the outset, his Government had sought a negotiated solution based on international legitimacy, Security Council resolutions and the principle of land for peace. It had hosted the first of the American-Palestinian meetings, which had paved the way for the peace process. It had been an active participant in all of the relevant summits and, in particular, the Madrid Conference, had hosted the meetings of a number of multilateral committees and had supported the Arab Peace Initiative.

14. A just and comprehensive peace would entail restoration of the legitimate rights of the Palestinian people, full Israeli withdrawal from occupied Palestinian Arab soil and the cessation of Israeli hostilities against the Palestinian people, its national institutions and holy places. Moreover, Israel would be required to cease targeting the infrastructure in violation of international law and fundamental human rights principles.

15. His Government had often emphasized the need to provide international protection to the Palestinian people, to end its suffering and to protect its holy places, primarily Al-Aqsa Mosque, and end the excavations around it. The international community and, in particular, the Quartet and the Security Council should strive to move the peace process forward based on Arab and international terms of reference, in particular, the Arab Peace Initiative, the Quartet road map and the United Nations resolutions and agreements concluded with the Palestinians. His Government welcomed the Mecca Agreement, reached under the auspices of the Custodian of the Two Holy Mosques King Abdullah Bin Abdulaziz Al-Saud, which encouraged greater effort by the international community to lift the blockade from the Palestinian people and revive the peace process.

16. It was to be hoped that all parties would seek a negotiated settlement of the Arab-Israeli conflict. Forty years on, it was more necessary than ever to resolve the conflict, achieve security and stability and allow the peoples of the region to build, develop and achieve economic and social progress.

17. **Mr. Castellón Duarte** (Observer for Nicaragua) said that the 40 years of occupation by Israel of the Palestinian Territory, including East Jerusalem, had resulted in 40 years of suffering for the Palestinian

people, which had been deprived of its right to self-determination, the right of return and the right to live in peace with its neighbours. The basic human rights of the Palestinian people had been violated and there had been immeasurable loss of life and damage to property. United Nations resolutions had not succeeded in allowing the Palestinian people to exercise its inalienable rights owing to the Occupying Power's lack of respect for international humanitarian law and human rights.

18. His delegation was concerned by the socio-economic situation and difficult humanitarian conditions in the Occupied Palestinian Territory, including East Jerusalem, which were the result of the illegal practices and policies of the Occupying Power. It was also concerned by Israel's ongoing campaign of settler colonialism and the unlawful annexation of territories, which changed the demographic and geographic character of the Palestine Territory, including East Jerusalem. The construction of the separation wall had caused physical, economic and social devastation and contravened the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. As a member of the Non-Aligned Movement, Nicaragua called on the international community and the Quartet to continue their efforts aimed at reviving the peace process with a view to ending the occupation and achieving a two-State solution that respected the rights of all States and peoples of the region to live in peace and security. It supported the revival of the Arab Peace Initiative which had been announced at the summit of the League of Arab States in March 2007 in Riyadh. It was the responsibility of the United Nations to continue to work towards achieving a solution to the question of Palestine in all its aspects, including the establishment of a viable, independent Palestinian State within well-defined and secure borders. The people and Government of Nicaragua reaffirmed their friendship and solidarity with the Palestinian people and the Palestinian Authority in their struggle for liberation and the establishment of a sovereign Palestinian State.

19. **Mr. Kariyawasam** (Observer for Sri Lanka) said that his delegation appreciated the continuing efforts of the Committee to promote the full realization of the inalienable rights of the Palestinian people and to mobilize the international community to that end. The efforts of the international community over the past 40 years had yet to bring lasting peace and security to the region or to mitigate the suffering of the Palestinian people. However, the comprehensive settlement envisaged in the Quartet's road map and the initiative of Saudi Arabia, endorsed by the League of Arab States, were encouraging developments.

20. During the 40 years of Israeli occupation, the Palestinian people had undergone severe hardships and repeated human rights violations, and there was no end in sight. The continued occupation and military action had resulted in the loss of many lives and livelihoods and the displacement of large numbers of Palestinians from their homeland. That situation was a matter of deep concern to all peace-loving people.

21. Sri Lanka's commitment to the Palestinian people remained undiminished. Peace and stability could be brought to the region only through a negotiated settlement between the parties to the conflict, leading to an independent and democratic State of Palestine, with East Jerusalem as its capital and living side by side with Israel, on the basis of all the relevant Security Council resolutions.

22. **The Chairman** announced that a message had been received from the Minister for Foreign Affairs of Algeria.

Statements by representatives of civil society organizations (continued)

23. *At the invitation of the Chairman, Mr. Khalil (Negotiations Support Unit, Palestine Liberation Organization) took a place at the Committee table.*

24. **Mr. Khalil** (Negotiations Support Unit, Palestine Liberation Organization) said that, after 40 years of occupation by Israel of the Palestinian territories, a critical stage had been reached. The next few months would determine whether the conflict between the two sides continued for another 40 years. The past four decades had been characterized not only by the Israeli occupation but also by Israel's continued pursuit of a unilateralist policy, exemplified by its unilateral disengagement from the Gaza Strip in 2005.

25. From the Palestinian perspective, Israel's strategy over the past 40 years had been to take as much Palestinian land as possible with as few Palestinians as possible on that land. If Israel had simply annexed the West Bank and the Gaza Strip, it would have had to grant millions of Palestinians — who were Christians and Muslims — the right to vote, thereby undermining

its status as a democratic Jewish State and upsetting the demographic balance.

26. The occupied West Bank and Gaza Strip comprised only 22 per cent of the land known as historic Palestine. In 1988, the Palestinians had recognized Israel's existence in the remaining 78 per cent of the land on the understanding that any future Palestinian State would be a full, free and independent sovereign State built on the aforementioned 22 per cent of the land. However, the Palestinian National Authority established under the Oslo peace process had been granted only limited authority over just 18 per cent of that 22 per cent portion. Israel had retained security control over the remainder of the occupied territories, and between 1993 and 1999 the settler population in those areas had grown at the fastest rate in history. Therefore, the Oslo peace process had resulted in isolation of the Palestinian-controlled areas and the entrenchment of Israeli control over the remaining areas.

27. The wall being constructed by Israel did not, for most of its length, follow the Green Line but rather cut deep into the West Bank, incorporating 85 per cent of the settler population into Israel on the western side of the wall. Moreover, the fact that scarce water resources, key arable lands and the essential marketplace of East Jerusalem were on the western side of the wall destroyed the possibility of establishing a viable Palestinian State and undermined the ultimate goal of a two-State solution to the conflict. In addition, many of the Israeli settlements on the eastern side of the wall were being expanded. Thus, Israel was carrying out a de facto annexation of almost half of the West Bank, leaving a diminished and fragmented territory in which the Palestinians were supposed to build an independently viable economy.

28. It was difficult to see how such a fragmentation of Palestinian territory could ensure greater security for Israel than adherence to the internationally recognized border formed by the Green Line. The International Court of Justice had ruled that the construction of the wall was illegal and that those sections already built must be dismantled. In addition, a recent report by the World Bank had stated that it was not always clear when restrictions on the movement of Palestinians were being used for security purposes and when they were being used to protect the interests of the settlers.

29. An example of the fragmentation of Palestinian territory in the West Bank could be seen in the towns of Qalqilya, Jayyus and Habla, which were cut off from each other by the route of the wall and whose development was thereby hampered. The people of Jayyus had previously grown vegetables which they had sold all over the northern West Bank. Now, however, two thirds of the area's agricultural land and most of its wells were on the west side of the wall, and half of the town's population was dependent on food assistance from the international community.

30. The area south of Qalqilya, between the Green Line and the wall, was now a "closed zone". Palestinians who lived in the closed zone or who had land there were obliged to apply periodically for a permit from the Israeli army to enter the zone. By contrast, Israelis — including persons capable of immigrating to Israel under the Israeli law of return, such as foreign converts to Judaism — could enter and live in the zone without a permit and were provided with cheap housing, social services and employment.

31. Farmers were obliged to access their land, sell their produce or send their children to school on the other side of the wall and would move there, gradually, because of the inconvenience of that arrangement. The land would eventually be vacated, making it difficult for Palestinian negotiators to argue in favour of keeping it.

32. The same process was happening throughout the West Bank and around East Jerusalem, in particular. The area from Ramallah to Bethlehem, which had once represented 40 per cent of all economic activity in the West Bank and was crucial to any viable two-State solution, was being fragmented by settlements and the wall. In and around Jerusalem, settlements were linked to Israel by roads, built on Palestinian land, to which most Palestinians had no access. Those roads were walled: combined with the wall proper, they created and surrounded Arab enclaves, making Jerusalem physically separate from the West Bank.

33. The two areas were also being separated politically. Because of their different residency status, Palestinians in Jerusalem and in the West Bank required permits, obtained from Israel, to move from one area to the other. The physical and political excision of East Jerusalem from the West Bank inhibited economic and social interaction between the two and jeopardized the future viability of those

communities. If that settlement strategy continued, Jerusalem could cease to be a symbol of multiculturalism in 30 years. Meanwhile, if the Palestinians were to establish their capital in East Jerusalem, it would be encircled by the territory and citizens of a foreign sovereign State.

34. The United Nations and World Bank had identified restrictions on movement as the direct cause of the present humanitarian crisis in the West Bank. Israel's proposed solution had been to construct a separate system of roads and tunnels for the Palestinians. The United Nations Office for the Coordination of Humanitarian Affairs had discovered that Israel was actually constructing two networks, one for Palestinians and one modern highway network linking Israeli settlements.

35. When Israel had withdrawn 8,000 settlers from Gaza in 2005, it had made plans to introduce 30,000 settlers to the West Bank and East Jerusalem. Israel would continue to entrench its control over key arable land, water resources and the market place of East Jerusalem, to the absolute detriment of the two-State solution, if both sides could not agree to a just solution. In order to avoid another 40 years of occupation and conflict, it was crucial to act immediately and focus on three principles: the need to create economic opportunity, by implementing the Agreement on Movement and Access; the need to save the two-State solution and abide by the advisory opinion of the International Court of Justice; the creation of a political horizon meaningful to both sides, by engaging with the Arab Peace Initiative and negotiating now.

36. *Mr. Khalil (Negotiations Support Unit, Palestine Liberation Organization) withdrew.*

37. *At the invitation of the Chairman, Ms. El-Farra (Middle East Children's Alliance) took a place at the Committee table.*

38. **Ms. El-Farra** (Middle East Children's Alliance) observed that it was time to bring justice to the Palestinian people. Other speakers had mentioned the economic plight of Palestinians and the widespread abuse of their human rights in Israeli prisons. Although numerous resolutions had been adopted by the United Nations and calls made for a two-State solution, on the ground Israel continued its aggression against the vulnerable, with demolitions of homes and construction of the wall. The two-State solution was not the answer: real peace with justice was only possible through support for the right to return of all Palestinians.

39. The occupation deprived Palestinians of their most basic needs. In Gaza, which was her home and home to 1.4 million others, life was unsafe and overcrowded. At work, she witnessed daily the difficulties of patients denied permits and access to proper medical treatment, as a result of which many died. Preventable diseases such as anaemia were common among children under five, as was the post-traumatic stress disorder that resulted from the constant military activities of Israel. Human rights violations were commonplace. One woman, held up for hours at an Israeli checkpoint while going to give birth at a hospital in a neighbouring camp, had returned with her newborn child to find her home demolished. She also cited the example of a thirsty four-year-old who had refused water from an Israeli soldier, to illustrate the child's fear, provide an example of the steadfastness and resistance of the Palestinians and show how the Israeli soldier had also been dehumanized by the occupation machine.

40. Adults had an obligation to provide a safe environment for Palestinian and Israeli children. The wall would not achieve safety or security; only a just peace that respected the inalienable rights of the Palestinians would do that. It was necessary for Israel to recognize its moral responsibility to Palestinian refugees. Israel controlled all aspects of life within Gaza. Life under occupation was degrading and deprived Palestinians of the freedom to make choices. However, the occupation had been normalized and hope for the future lost as the world continued to look away. She called on the international community to pressure Israel to abide by the relevant United Nations resolutions. The occupation should end and the right of return be remembered.

41. *Ms. El-Farra (Middle East Children's Alliance) withdrew.*

42. *At the invitation of the Chairman, Mr. Diamond (B'Tselem — The Israeli Information Center for Human Rights in the Occupied Territories) took a place at the Committee table.*

43. **Mr. Diamond** (B'Tselem — The Israeli Information Center for Human Rights in the Occupied Territories) gave a brief personal account of the moment at which he had realized the extent to which he and his fellow Israeli soldiers were inured to

violence, accepting risks for Palestinian children that he would not accept for his own. That realization had prompted him to work for a human rights organization.

44. His organization had issued approximately 130 reports on human rights violations in the occupied territories and its primary focus was on violations by representatives of Israel. The violations of human or humanitarian rights were usually justified as necessary for security and often showed no regard for Palestinian well-being. The security justification often masked other illegitimate concerns, such as the expansion of settlements established in violation of international humanitarian law; the route of the wall was primarily designed to allow settlements to expand. The numerous settlements were constructed with the help and encouragement of the authorities, which connected the settlements, recognized as legal under Israeli law, to the utilities network. Moreover, the numerous physical and legal restrictions on freedom of movement were devastating as they served to unravel the fabric of Palestinian life.

45. Thousands of Palestinians had been arrested and detained without trial. Prisoners who were offered a trial were summoned to appear in military courts and were nearly always convicted. Israeli soldiers were given orders that violated both Israeli law and international humanitarian law because they did not differentiate between military and civilian targets. The Israeli army's air strikes in Gaza represented another form of occupation from the air. The Center had received thousands of disturbing testimonies, covering a small fraction of the violations that had been committed. Those testimonies showed that there was a pervasive lack of accountability and that the settlers believed that they were free to do what they wanted.

46. Although the violations committed by the Israeli armed forces were the primary focus of the Center's work, it was important to draw attention to the responsibilities of other actors. The international community could do much more to alleviate the suffering of the Palestinian people. The activities carried out by some States were well-meaning but sometimes made it easier for the Government of Israel to evade its responsibilities under international law. The electricity plant in Gaza that had been bombed by Israeli forces on 26 June 2006 had not been repaired by the Government of Israel because other parties had intervened. The Government of Israel had insisted that special security measures should be implemented at the Karni Crossing in Gaza but had not paid for those measures.

47. The struggle between different factions in Gaza had led to violations of the rights of the Palestinian people by Palestinians. The rights of members of the international community had also been violated and kidnappings of international workers were frequent occurrences. The violations of human rights committed by Israelis and Palestinians contravened international humanitarian law and were contrary to the basic principles of human decency. Those violations led to increased suffering and hatred. It was essential to insist that all parties complied with international rules in order to establish the goodwill that would lead to a peaceful resolution of the conflict.

48. **The Chairman** said that the Committee valued the systematic monitoring carried out by the Center, whose reports provided a credible source of information for States, intergovernmental bodies and civil society.

49. *Mr. Diamond (B'Tselem — The Israeli Information Center for Human Rights in the Occupied Territories) withdrew.*

50. *At the invitation of the Chairman, Ms. Gassner (BADIL Resource Center for Palestinian Residency and Refugee Rights) took a place at the Committee table.*

51. **Ms. Gassner** (BADIL Resource Center for Palestinian Residency and Refugee Rights) said that there was a vital need to find ways of overcoming the exclusion of Palestinian refugees in the search for peace. All Palestinian refugees had the right of return and the right to restitution and compensation under international law. There was no contradiction between the right to self-determination and the right of return of refugees to homes in areas that had become part of Israel. In fact, the inalienable rights of the Palestinian people also included the right of return.

52. It was important to recognize that the 1967 occupation was not the root cause of the problem: the question of Palestine had been considered by the United Nations for almost 60 years and 2008 would mark the sixtieth anniversary of *Al-Naqba* (the catastrophe). The reason why the Government of Israel did not end the occupation was the same as the reason why it prevented the return of the refugees who had been displaced in 1948. It had established a form of apartheid aimed at maintaining a Jewish majority.

Palestinian civil society had not received much support from the international community in trying to include the rights of the Palestinian refugees in the search for peace.

53. The Resource Center was owned by members of the Palestinian refugee organizations in the West Bank and had been founded following conferences on the protection of the rights of the Palestinian refugees in the peace process. It networked with civil society organizations in Israel, the Middle East, the United States and Europe and aimed to establish a common understanding about the rights of the Palestinian refugees. It should be noted that Israeli civil society organizations had cooperated in raising awareness about the right of return of Palestinian refugees. Education campaigns had been targeted at young Palestinian refugees to assist them in understanding their rights. There was a growing body of experts working on the question of the Palestinian refugees. Civil society organizations had been actively involved in the global campaign of boycotts, divestment and sanctions against Israel. It was important that the right of return of Palestinian refugees should be included as a condition for ending that campaign of boycotts, divestment and sanctions. The Resource Center had campaigned to raise awareness of the 2008 sixtieth anniversary of *Al-Naqba* and recommended the establishment of a commission of inquiry with the support of the United Nations and the Committee to investigate the events of 1948. The Center had participated in civil society conferences organized by the Committee and recommended that future conferences should focus on analysing the root causes of the conflict, on drawing attention to the coexistence of the right to self-determination and the right of return of the Palestinian people and on finding creative ways of ensuring the enforcement of international law.

54. **The Chairman** said that the Committee had taken note of the proposals made by the Resource Center and hoped to incorporate them into its programme of work for either 2007 or 2008.

55. *Ms. Gassner (BADIL Resource Center for Palestinian Residency and Refugee Rights) withdrew.*

56. *At the invitation of the Chairman, Mr. Shapira (Combatants for Peace) took a place at the Committee table.*

57. **Mr. Shapira** (Combatants for Peace) said that his organization consisted of a growing number of Israeli and Palestinian former combatants who had agreed to denounce and break the cycle of violence and to seek peace and justice and an end to the brutal occupation of Palestine. He and other Israeli pilots had publicly refused to carry out military orders that they saw as immoral, illegal and contrary to the international rules of war, in particular orders involving attacks on civilian concentrations and targets. Israelis tried to ignore the occupation, *Al-Naqba* and Palestinian rights, but until they faced those facts no peace plan could succeed. The violence used by Israel to maintain the occupation and by Palestinians to resist it corrupted both societies. One of the factors that sustained the violence was the huge quantity of often sophisticated arms supplied to Israel by the United States. Some saw the Israel Defense Forces as field testers of United States weapons systems, providing a profitable market and testing ground for the United States arms industry.

58. Another factor that impeded the search for a viable solution to the situation was the vain hope that the Israeli Government would change its policies. That hope was illusory and should be abandoned. At the current stage, only significant pressure on Israel's leadership by the United States and Europe could produce a change in policy. In that connection, he urged the adoption of targeted sanctions against the Government. He also urged the international community to support and use his and other similar organizations in Palestine and Israel in the important struggle for peace and justice.

59. *Mr. Shapira (Combatants for Peace) withdrew.*

60. **Mr. Mansour** (Observer for Palestine) expressed his gratitude for the many expressions of support for his country's struggle to achieve self-determination and liberation during the long years of brutal Israeli oppression and occupation. He hoped that in a few years the situation would change for the better and that the Committee would be able to celebrate the establishment of a sovereign, independent State of Palestine.

Closing remarks by the Chairman of the Committee

61. **The Chairman** said that the many statements made had shown in detail how the longest occupation in modern history had affected every aspect of the lives of the Palestinian people. The international community considered the Israeli occupation of the Palestinian

territory, with its complete disregard for international humanitarian and human rights law, to be the root cause of the Israeli-Palestinian conflict. Member States had a duty to ensure that the relevant resolutions of the United Nations were implemented, in particular Security Council resolutions 242 (1967) and 338 (1973). The Committee appreciated the many efforts on the part of civil society around the world to keep the question of Palestine in the focus of public opinion. The whole international community had a moral obligation to work urgently towards an end to the occupation of Palestine, towards the establishment of a just Palestinian State living side by side with a secure Israel and towards the establishment of a comprehensive, just and lasting peace in the region.

The meeting rose at 5.40 p.m.